

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID MOORE,

Plaintiff,

No. 07-CV-10656-DT

vs.

Hon. Gerald E. Rosen

CONCEPT ONE MORTGAGE
CORPORATION, and U.S. BANK, N.A.,

Defendants.

/

ORDER OF DISMISSAL

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on July 13, 2007

PRESENT: Honorable Gerald E. Rosen
United States District Judge

On May 23, 2007, this Court entered an Order to Show Cause directing *pro se* Plaintiff David Moore to show cause in writing why this case should not be dismissed for lack of federal subject matter jurisdiction. In the Show Cause Order, the Court noted that complete diversity does not exist in this case as one of the defendants, Concept One Mortgage Corporation, and Plaintiff Moore are both citizens of the State of Michigan. The Court further noted that federal question jurisdiction also appeared to be lacking because the Single Family Mortgage Act, 12 U.S.C. § 3751 *et seq.*, the only federal statute alluded to in Plaintiff's Complaint, applies only to residential mortgages held by the Secretary of Housing and Urban Development pursuant to the National Housing Act,

12 U.S.C. § 1702 *et seq.*, and Plaintiff had not alleged, nor has he appended any document demonstrating that his mortgage was ever held by the Secretary of H.U.D.

Plaintiff responded to the Order to Show Cause on June 25, 2007. In his response, although Plaintiff notes that diversity of citizenship exists with respect to Defendant U.S. Bank, N.A., he does not dispute that complete diversity does not exist with respect to the other named defendant, Concept One Mortgage Corporation, as Concept One and Plaintiff are both citizens of the State of Michigan.

With respect to federal question jurisdiction, Plaintiff has not produced any evidence that the mortgage on his property (which is the subject of the foreclosure action in state court that he seeks to enjoin) is held by the Secretary of Housing and Urban Development pursuant to the National Housing Act, 12 U.S.C. § 1702 *et seq.* Plaintiff merely asserts, without any legal (or factual) support whatsoever, that “*all* Mortgages are held by the Secretary of Housing and Urban Development.” (Emphasis added.) Such unsupported conclusory statements are wholly insufficient to establish federal subject matter jurisdiction in this case.

For the foregoing reasons,

IT IS HEREBY ORDERED that this case be, and hereby is, DISMISSED, without prejudice, for lack of federal subject matter jurisdiction.

s/Gerald E. Rosen
Gerald E. Rosen
United States District Judge

Dated: July 13, 2007

I hereby certify that a copy of the foregoing document was served upon counsel of record on July 13, 2007, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager